

EXHIBIT H

CONDENSED COPY

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Civil Action No. 07-CV-3616 (MGC)

-----x
3 BABY BEAN PRODUCTIONS LLC,

4 Plaintiff,

5 -against-

6 DC SHOES, INC.,

7 Defendant.

8 -----x
February 6, 2008

9 12:05 p.m.

10

11

12 Deposition of DANNY PARKS, taken by
13 Defendant, pursuant to notice, at the offices of
14 Kane Kessler, P.C., 1350 Avenue of the Americas,
15 New York, New York, before SUZANNE PASTOR, a
16 Shorthand Reporter and Notary Public within and
17 for the State of New York.

18

19

20 ROSENBERG AND ASSOCIATES
21 Certified Court Reporters & Videographers
22 575 Madison Avenue
23 New York, New York 10022
24 Phone: (212) 868-1936 Fax: (212) 868-1967
25 www.rosenbergandassociates.com

<p>1 Danny Parks - February 6, 2008 2 Q. And who is Luis Perez? 3 A. He's a really good friend of mine. 4 I've known him for quite a while. 5 Q. How long? 6 A. I'm trying to think how old I am 7 now. Over 20 years I believe. 8 Q. And what was Luis's involvement 9 with the KoNY event in August of '05? 10 A. He was the existing owner of the 11 event I guess. He started it and, yes, he was 12 the owner of the event. 13 Q. Why do you say that, he was the 14 owner of the event? 15 A. Well, because he didn't -- he sort 16 of had a sport organizer. Someone who helped 17 him do the coordination, some of the -- well, 18 some of the coordination of the event. 19 Q. So why did you say he was the owner 20 of the event? 21 MR. SONNABEND: I Object. 22 A. Because he started it. It was his 23 event. 24 Q. Okay, that's your definition of an 25 owner of the event. Someone who started it?</p>	<p>10 1 Danny Parks - February 6, 2008 2 Q. I think you already described that 3 the partnership owned the event after that point 4 in time. 5 A. Correct. 6 Q. Prior to that time, meaning August 7 2005, did Danny Parks have any ownership 8 interest in the event? 9 A. No. 10 Q. But as a result of this 11 partnership, did you individually take with Luis 12 Perez an ownership interest in the event? 13 A. Baby Bean Productions, yes, I did. 14 And me meaning Baby Bean Productions? 15 Q. Well, we're talking about August 16 2005, right? 17 A. Right. 18 Q. Didn't you already tell us that 19 Baby Bean was created in January of '06? 20 A. Correct. So -- well, we started 21 discussing it in August of '05. And I told him 22 that we were going to -- the reason that I 23 started it was when I was going to start my 24 company. And I knew it wasn't started then. It 25 was going to be for next year in 2006. So --</p>
<p>11 1 Danny Parks - February 6, 2008 2 MR. SONNABEND: I object. 3 A. Someone who started it, yes, 4 someone who started it and runs it. 5 Q. Where is the conducted? 6 A. It has been conducted in the past 7 at Mullally Park. 8 Q. Every year it's been at Mullally? 9 A. Correct. 10 Q. Was there an event in 2005? 11 A. I don't believe there was. There 12 was a year that they skipped. I'm not sure 13 which one it was. 14 Q. Now, you formed this partnership in 15 August 2005 with Luis Perez, is that correct? 16 A. Mm-hmm. 17 Q. What was the nature of the 18 partnership? 19 A. That it was -- I don't quite 20 understand your question. 21 Q. What is the purpose of the 22 partnership? 23 A. What's -- I mean, what's the 24 purpose of a partnership? To run things 25 together.</p>	<p>13 1 Danny Parks - February 6, 2008 2 repeat your question because I'm not quite 3 following you. 4 Q. I'll ask another question. When 5 the partnership -- you already told us that the 6 partnership was formed in August of 2005, 7 correct? 8 A. That's when we started discussing 9 it. 10 Q. That's when you started discussing 11 it. So when was the partnership actually 12 formed? 13 A. I mean, I guess -- can you form -- 14 I'm just not quite sure if you can form a 15 partnership -- yes, August 2005. August 2005. 16 Q. So in August 2005 Baby Bean did not 17 legally exist, correct? 18 A. Correct. 19 Q. So who were the original partners 20 in the partnership? 21 A. I guess myself and Luis. 22 Q. So you individually and Luis. 23 MR. SONNABEND: I object. He just 24 answered that, Adam. 25 A. Yes.</p>

<p>1 Danny Parks - February 6, 2008 2 Q. Now, at some point in time did Baby 3 Bean Productions become a partner in this 4 partnership? 5 A. Well, the whole intent -- I guess 6 technically, yes. But the whole intent was when 7 we formed the partnership that is when I told 8 him I was going to start my company. And so 9 even though, yeah, I wasn't legally Baby Bean -- 10 I mean -- 11 Q. I think what we've already 12 established is when the partnership was formed, 13 august 2005, the original partners were yourself 14 and Luis Perez, is that correct? 15 A. If you want to look at it that way. 16 Q. At some point in time thereafter, 17 Baby Bean Productions was formed. 18 A. Correct. 19 Q. And did Baby Bean Productions 20 become a partner in this partnership at some 21 point in time? 22 MR. SONNABEND: I object. He 23 already answered that to the best of his ability 24 I believe. 25 A. To me it's semantics. It's -- Baby</p>	<p>14</p> <p>1 Danny Parks - February 6, 2008 2 A. I believe from 1993 I believe until 3 either 2000 or 2001. 4 Q. What was his job at New York City 5 Parks Department? 6 A. A recreation specialist I believe. 7 Q. Did he work at Mullally? 8 A. Yes, he did. 9 Q. When he first created the event, 10 was he a New York City employee? 11 A. I don't know. You'll have to ask 12 him that question because he was a seasonal 13 employee. So I don't know when he created it in 14 his mind. When the event was first thrown? Is 15 that what you're referring to? 16 Q. In 1995 when the event was first 17 created, was he working as a New York City Parks 18 employee? 19 A. I believe in June of 1995 when the 20 event happened, I believe he was a New York City 21 Parks employee. 22 Q. You say he was a seasonal 23 employees. Which seasons did he work in, do you 24 know? 25 A. Summer season.</p>
<p>15</p> <p>1 Danny Parks - February 6, 2008 2 Bean Productions is me. Whether it's legal or 3 not, I am Baby Bean Productions. 4 Q. And did you individually transfer 5 your partnership interest in this partnership to 6 Baby Bean Productions at any point in time? 7 A. I don't know how to answer that. 8 Like I said, Baby Bean Productions is me. There 9 was no transferring or needing to transfer or 10 anything like that. 11 Q. So there's no difference between 12 you and Baby Bean Productions. 13 MR. SONNABEND: I object to that 14 question. 15 You don't have to answer if you 16 don't have an answer to that. 17 A. I don't have an answer to that. 18 It's semantics to me. 19 Q. Semantics. 20 A. I mean, legally, I guess there is, 21 but if you ask me or Luis. 22 Q. Was Luis a New York City Parks 23 Department employee at any time? 24 A. Yes, he was. 25 Q. At what point in time?</p>	<p>17</p> <p>1 Danny Parks - February 6, 2008 2 Q. And I think you said he remained an 3 employee of the New York City Parks Department 4 in 2000-2001? 5 A. Somewhere around there, yes. 6 Q. At some point in time did you enter 7 into a written agreement regarding this 8 partnership? 9 A. With Luis Perez? 10 Q. Yes. 11 A. Yes. 12 Q. When was that? 13 A. April of '07 or '06. April of 14 '07 -- no. April. I can't remember the year. 15 Q. April, you don't remember the year. 16 A. No. 17 Q. Either '06 or '07? 18 A. Yes. 19 Q. And why did you enter into this 20 written partnership agreement at that point in 21 time? 22 A. It needed to be on paper. 23 Q. But at that point the partnership 24 had been operating for a year or two, depending 25 on when you formed it, with no piece of paper,</p>

<p>1 Danny Parks - February 6, 2008 2 something is owned -- in this context, what does 3 that mean that you jointly own it? Does that 4 mean that either of you can conduct an event 5 called KoNY on your own without the other? 6 A. No. 7 Q. So what does it mean? 8 A. It means we own a singular event 9 called King of New York. 10 Q. So that means that if either of you 11 want to conduct the KoNY event, you need to have 12 involvement from both of you? 13 A. Out of respect we would. But we 14 confer with one another and give each other the 15 right to do with it what we want. I don't think 16 that instance would ever happen. 17 Q. Now, prior to entering into this 18 event partnership agreement, I believe you 19 testified that Baby Bean didn't have any 20 ownership rights in the KoNY event, is that 21 correct? 22 MR. SONNABEND: Can I have the 23 question again? 24 (The pending question was read.) 25 A. Correct.</p>	<p>26</p> <p>1 Danny Parks - February 6, 2008 2 Q. What do you mean by "include all 3 rights beginning with the creation of the event 4 in '95"? 5 A. It means I pretty much worded it I 6 think to show that it's not a different event 7 starting in August 2005. That it's all the same 8 event, same King of New York. And so anything 9 that started with the King of New York in 1995 10 is sort of going to continue. 11 Q. And so is it your understanding 12 that Luis is -- prior to entering into this 13 agreement, Luis Perez had those rights dating 14 back to 1995? 15 A. Yes. 16 Q. And why do you believe that? 17 A. Because he started the event. 18 Q. Where does Luis Perez live now? 19 A. Pennsylvania. 20 Q. Near you in Boalsburg? 21 A. No. 22 Q. Who's Robert Ramos? 23 A. He is the current skate park 24 manager at Mullally Skate Park. 25 Q. He's currently a New York City</p>
<p>27</p> <p>1 Danny Parks - February 6, 2008 2 Q. Who's responsible for event 3 management of the KoNY event? 4 A. The majority of it is myself. 5 Q. But this document says that the 6 partnership shall have equal rights in the 7 management of the partnership business. What 8 does that mean? 9 A. It means just what's written there. 10 We'll have equal rights in its management, but 11 that doesn't mean -- the way I wrote it up is it 12 doesn't mean that we have to exert those legal 13 rights all the time. 14 Q. So each partner has equal rights in 15 planning, but in practice you take the labor, is 16 that fair to say? 17 A. I would say yes. 18 Q. Now, this document says in the 19 second paragraph, second sentence, it says, "The 20 partnership shall begin on August 2005, which 21 will include all rights beginning with the 22 creation of the event in 1995, and shall 23 continue until terminated as herein provided." 24 Do you see where it says that? 25 A. Mm-hmm, I have do.</p>	<p>29</p> <p>1 Danny Parks - February 6, 2008 2 Parks employee? 3 A. Yes. 4 Q. Is he a friend of yours? 5 A. Yes, he is. 6 Q. Do you know him from about the same 7 time you know Luis Perez? 8 A. A little bit less time, but a long 9 time. 10 Q. Is there any other agreement in 11 place between you and Perez relating to KoNY? 12 A. Written agreement? No. Written 13 agreement, this is it. 14 Q. This is the only written agreement 15 you have between you and Luis Perez relating to 16 KoNY. 17 A. Yes, I believe so. 18 Q. Is there any other verbal agreement 19 that you have with him? 20 A. No. I mean, the verbal agreement 21 was -- no. The verbal agreement was based on -- 22 this is based on the verbal agreement. 23 Q. So this document essentially 24 memorializes all understandings you have with 25 Perez relating to KoNY?</p>

1 Danny Parks - February 6, 2008
 2 champion.
 3 Q. There were medals?
 4 A. No, there were crystal type of
 5 plaques sort of, standing plaques. I forgot
 6 what you call them. But the awards.
 7 Q. Those pros who compete, they're
 8 professional BMX riders?
 9 A. Yes.
 10 Q. They do this for a living
 11 typically?
 12 A. Typically. Part of their living.
 13 Q. They may have day jobs or something
 14 else?
 15 A. Yes.
 16 Q. Who you about the amateurs, what
 17 type of people are they?
 18 A. Just mostly kids that are not doing
 19 it for a living, just for the fun of it.
 20 Everyone's doing it for the fun of it, but more
 21 hobbyists I guess.
 22 Q. Are there beginners who compete?
 23 A. We have beginner and expert class.
 24 Q. Obviously the professionals are
 25 quite good at what they do.

38

1 Danny Parks - February 6, 2008
 2 Or pyramid ramps. Ledges, grind rails.
 3 Q. These are all different types of
 4 moves and tricks that people do?
 5 A. No, those are all different types
 6 of obstacles. And bike riders would do tricks
 7 and stunts on these -- or over these obstacles.
 8 Q. Who works at the event?
 9 A. The King of New York staff or the
 10 event staff?
 11 Q. Who are the event staff?
 12 A. Myself, Luis, we have an announcer,
 13 MC. We have a timekeeper, we have people
 14 staffing the outside of the rink. Through the
 15 co-sponsorship with the Parks Department, we had
 16 PEP workers, which are Parks Enforcement Patrol,
 17 as our security. Parks Department volunteers
 18 help out. And then just volunteers, people --
 19 just friends of mine that will help out.
 20 Photographers, videographers, judges.
 21 Q. Is there a videotape taken every
 22 year of the event?
 23 A. Numerous.
 24 Q. And has that been true every year
 25 since the event's been conducted?

40

1 Danny Parks - February 6, 2008
 2 A. Mm-hmm.
 3 Q. And the experts are quite good at
 4 what they do.
 5 A. Yes, they are.
 6 Q. They probably spend a lot of time
 7 riding BMX to get as good as they are.
 8 A. Yes.
 9 MR. SONNABEND: I object to the
 10 question.
 11 Q. How many beginners do you have year
 12 to year, approximately?
 13 A. I'll give you last year's figures
 14 was -- 2007 we had I believe 80 or 90 total
 15 amateurs. Beginners were probably 40 I think.
 16 Q. What types of events do you have?
 17 A. Primarily it's a park event. Skate
 18 park event. That's it.
 19 Q. Explain to me. I'm not a BMX
 20 expert. Do you do jumps or tricks, or what kind
 21 of things?
 22 A. Yes, jumps. There's a box jump so
 23 you can jump that and do tricks on that. There
 24 are different types of obstacles. Street spine
 25 as it's called, quarter pipes, pyramid jumps.

39

1 Danny Parks - February 6, 2008
 2 A. Yes.
 3 Q. Do you have copies of all the
 4 videotapes of the event?
 5 A. I don't personally, but I think
 6 between the two of us, myself and Lou Perez, we
 7 do. Or it's accessible.
 8 MR. COHEN: I call for production
 9 of all the videotapes of the events, to the
 10 extent they haven't been produced.
 11 MR. SONNABEND: Okay.
 12 Q. I'd like to show you a document.
 13 In connection with the event, do
 14 you periodically send out proposals to potential
 15 sponsors?
 16 A. Yes.
 17 Q. You do quite a bit of that, don't
 18 you?
 19 A. Yes.
 20 MR. COHEN: Let's mark this as
 21 Defendant's 2.
 22 (Defendant's Exhibit 2 for
 23 identification, October 12, 2006 E-mail and
 24 Attached Sponsorship Proposal.)
 25 Q. Do you recognize this document?

41

	118		120
1	Danny Parks - February 6, 2008	1	Danny Parks - February 6, 2008
2	with Luis Perez?	2	event. And six weeks before, they pulled out.
3	A. There hasn't been any revenues to	3	I believe that had something to do with our
4	share.	4	discussions in the beginning about their
5	Q. Has he ever paid for any of the	5	involvement with the DC King of New York.
6	expenses?	6	Q. Why do you believe that?
7	A. No.	7	A. I mean, just because of their
8	Q. What involvement has Luis had in	8	attitude about it. And them being a big company
9	the King of New York event since 2006?	9	and DC being a big company, I don't know if I
10	A. We run ideas off one another, he's	10	know how to explain it correctly, but I just
11	judged 2007, he is the -- he's sort of my right	11	feel like that if companies hear about
12	hand man, so to speak, in the event itself	12	litigation, that they're not going to get
13	on-site. And yes, I discuss everything with him	13	involved, they're not going to want to be
14	with regards to the event. Who's looking to	14	involved. And I think they had hopes that this
15	sponsor, who sponsored us, who almost sponsored	15	thing would have gone away and they realized
16	us, who do you think we should call, that type	16	that it wasn't and pulled out of our event.
17	of thing.	17	Q. I just noticed that you seem to be
18	Q. Does he review sponsorship proposal	18	wearing a King of New York t-shirt. I didn't
19	e-mails that you send out before you send them	19	notice that before.
20	out?	20	A. Good luck stuff. I have my good
21	A. No. And he doesn't review them	21	luck stuff on today.
22	all. The e-mails that I send are pretty generic	22	Q. So that is a King of New York
23	to start off with. And I try and give him an	23	t-shirt that you're wearing?
24	idea of how they're going to be worded	24	A. That is 2007.
25	beforehand.	25	Q. Did anyone ever tell you that
	119		121
1	Danny Parks - February 6, 2008	1	Danny Parks - February 6, 2008
2	He has also looked at the proposals	2	that's why Red Bull pulled out in 2007?
3	before they've gone out, especially in 2006, he	3	A. No.
4	was heavily involved in that stuff.	4	Q. You said they had made a verbal
5	Q. Does he review or approve the King	5	commitment to you before that.
6	of New York press releases?	6	A. Yes, they pretty much told us --
7	A. No.	7	well, verbal and through e-mails.
8	Q. Does he review and approve the	8	Q. Do you have e-mails showing --
9	fliers, King of New York fliers?	9	A. You guys should have that. With an
10	A. Yes.	10	offer of a certain amount. I think it was --
11	Q. Does he --	11	originally it was \$1,500 and then they upped it
12	A. And we're talking about '06 and	12	to \$2,000.
13	'07, correct?	13	Q. Other than what you've testified,
14	Q. Yes.	14	do you have any other basis for believing that's
15	A. Okay.	15	why Red Bull pulled out?
16	Q. Now, earlier in the deposition you	16	A. No. Red Bull, no.
17	said that you believe you've been damaged by DC	17	Q. Any other ways in which you feel
18	in that you weren't able to sign Mazda as a	18	you've been economically damaged by DC?
19	sponsor.	19	A. Yeah. I mean, there's King of New
20	A. Yes.	20	York -- DC King of New York stuff all over the
21	Q. Any other ways in which you feel	21	internet. And I think Baby Bean calling up a
22	you've been economically damaged by what DC has	22	potential sponsor and trying to solicit from
23	done or has not done?	23	them, I mean, I had this the other day. I
24	A. Well, Red Bull gave us a verbal	24	talked to Zumiez and Zumiez thought we were the
25	confirmation in '06 about sponsoring the 2007	25	DC event. And I said no, we're not DC King of